THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION No.20706 OF 2005

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Dated: 03-11-2005

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Between

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Mehdi Agha, S/o. Syed Alamdar Hussain, Occ: Business, R/o.42-601, Moula Ali, Ranga Reddy District, Hyderabad.

…PETITIONER

AND

The Commissioner of Police, City of Hyderabad, Basheerbagh, Hyderabad and others.

…RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the Rowdy Sheet opened against the petitioner as illegal and also direct the respondents not to call the petitioner frequently to the police station and confine him days together on the ground that a Rowdy Sheet is pending against him.

Learned counsel for the petitioner submits that petitioner was involved in a murder case and the said case ended in acquittal.

The Rowdy Sheet opened against the petitioner during the pendency of the said case has not yet been closed even after his acquittal and also there are no cases pending against him. Therefore, the continuation of the Rowdy Sheet is illegal and contrary to Standing Order 742 of the Andhra Pradesh Police Standing Orders.

As per the Police Standing Order 742, the following persons may be classified as rowdies and rowdy sheets may be opened against them:

a. Persons who habitually commit, attempt to commit or abet the commission of offences involving a breach of peace.

b. Persons bound over under Section 106, 107, 108 (c) and 110 (1) of the Code of Criminal Procedure, 1973.

c. Persons who have been convicted more than once in two consecutive years and

d. Persons who habitually tease women and girls by passing indecent remarks or otherwise; and

e. In the case of rowdies in an area under one police station but are found to be frequently visiting the are under or more other police stations their rowdy sheets can be maintained at all such police stations.

It is submitted that none of the above provisions of the Standing Order 742 are attracted for continuation of the Rowdy Sheet against the petitioner.

On instructions, the learned Government Pleader for Home submits that the petitioner is residing at H.No.42-601, Moula Ali, Ranga Reddy District and he was involved in a murder case of Malkajgiri Police Station under Cyberabad limits. Further, the Commissioner's Task Force, Hyderabad neither called the petitioner to the Task Force office situated at Begumpet, Hyderabad nor detained the petitioner as alleged by him.

Having regard to the facts and circumstances of the case and as no case is pending against the petitioner the writ petition is disposed of directing the respondents not to continue the Rowdy Sheet opened against the petitioner and he may not be called frequently to the police station without there being any complaint or report against him.

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V. ESWARAIAH, J

November 3, 2005

DSK